

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DANIEL L. SPUCK, Plaintiff,)
v.) C.A. No. 10-159 Johnstown
PA BOARD OF PROBATION AND)
PAROLE, et al., Defendants.)

MEMORANDUM ORDER

Plaintiff's complaint was received by the Clerk of Court on June 17, 2010, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on June 4, 2012, recommended that the motion to dismiss (Dkt. #34) be granted, the motion to supplement newly discovered evidence (Dkt. 42) be denied, and that this case be dismissed. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by mail at SRCF Mercer, where he is incarcerated, and on Defendant. Objections were filed by Plaintiff on June 20, 2012; a response to the Objections was filed on June 21, 2012. After de novo review of the pleadings and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 19th Day of July, 2012;

IT IS HEREBY ORDERED that the motion to dismiss (Dkt. #34) is

GRANTED, and the motion to supplement newly discovered evidence (Dkt. 42) is DENIED. The Clerk of Court is directed to close this case.

The report and recommendation of Magistrate Judge Baxter, dated June 4, 2012, is adopted as the opinion of the court.



KIM R. GIBSON
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge
all parties of record _____